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P/4076-58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Yuk Cheung AU

Date: October 27, 2004

Serial No.: 10/642,835

Group Art Unit: 3724

Filed: August 14, 2003

Examiner: Ghassem Alie

For: APPARATUS AND METHOD FOR INDEXING AND SEVERING FILM

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT/SUBMISSION**

Sir:

Responsive to the Restriction Requirement mailed October 15, 2004, Applicant elects group I, claims 1-12 drawn to the apparatus.

The Restriction Requirement is respectfully traversed, in that the product and the method claims largely overlap with, for example, the independent product claim and the independent method claim being analogous, with a method step associated with each of the apparatus elements, and vice versa. The same applies for several of the other claims. It is submitted that the inventions are so closely related that they are not independent and distinct and should therefore be examined together.

The differences pointed out to show that the inventions are distinct are as to details in claims, rather than to the primary elements and functions claimed. For example, Applicant's claimed film holder of claim 1 selectively provides a gap or clamping as claim 1 recites and claim 13 analogously describes a gap between the indexing and severance positions or closing the gap, which is a function performed by the film holder and the positions thereof. One might envision additional devices performing a clamping function, but claims 1 and 13 have analogous elements. With respect to the apparatus being capable of practicing another process, claim 1 is

limited to an apparatus for indexing a length of film for severance, and to suggest that it has another function is to simply ignore the entire preamble of the claim.

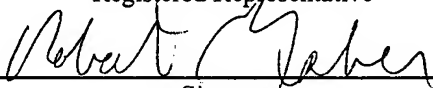
It is believed that the product and method are really not distinct inventions and because of the analogy between the method and product in the two groups of claims, the claims should be examined together. In view of the analogy between elements, a search as to one group of claims necessarily should overlap a search as to the other, or either search might be incomplete.

Reconsideration of the Restriction Requirement and examination of the two groups of claims together is requested, therefore.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2004:

Robert C. Faber

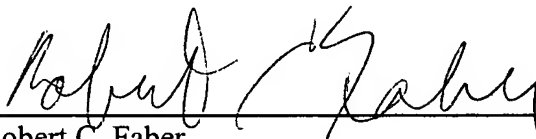
Name of applicant, assignee or  
Registered Representative

  
Signature

October 27, 2004

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb:bam